

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

BPI ENERGY, INC., et al.,

Plaintiffs,

V.

IEC (MONTGOMERY), LLC, et al.,

Defendants.

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Civil No. **07-186-DRH**

ORDER

PROUD, Magistrate Judge:

Before the Court is the defendants' motion to stay discovery pending ruling on the motion to dismiss the Second Amended Complaint and motion to strike certain paragraphs of the Second Amended Complaint. **(Doc. 55)**. Defendants base their motion to stay on their confidence in the motion to dismiss and to strike, and they wish to avoid unnecessarily submitting to discovery. Defendants further opine that a stay will not alter the current trial schedule. Plaintiffs oppose a stay, generally refuting defendants' assumptions of success. **(Doc. 56)**.

Staying discovery would undoubtedly alter the pretrial schedule and September 2008 presumptive trial month. Moreover, the success of defendants' motion to dismiss is not at all clear. Furthermore, by separate order this Court has denied defendants' motion to strike

IT IS THEREFORE ORDERED that the defendants' motion to stay **(Doc. 55)** is **DENIED**.

IT IS SO ORDERED.

DATED: November 13, 2007

s/ Clifford J. Proud
CLIFFORD J. PROUD
U. S. MAGISTRATE JUDGE